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**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

-----X

GOLDEN INSURANCE COMPANY,

Plaintiff,

C.A. No. 1:17-cv-05390-C

v.

PCF STATE RESTORATIONS, INC. and THE ROBERT
C. MANGI AGENCY, INC.,

Defendants

**INTERVENING DEFENDANT
FEDERAL INSURANCE
COMPANY's ANSWER TO
PLAINTIFF'S AMENDED
COMPLAINT WITH
COUNTERCLAIM**

-----X

PCF STATE RESTORATION, INC.,

Defendant/Third-Party
Plaintiff

v.

THE ROBERT C. MANGI AGENCY, INC.,

Defendant/Third-Party
Defendant

-----X

Intervening Defendant Federal Insurance Company ("Intervening Defendant"), by and through its undersigned attorneys, Cozen O'Connor, as and for its Answer to the Plaintiff's Amended Complaint, states as follows:

PRELIMINARY STATEMENT

Intervening Defendant denies the allegations asserted in the Preliminary Statement section of the Complaint and respectfully refers all questions of law to the Court.

PARTIES

1. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “1” of the Complaint and respectfully refers all questions of law to the Court.

2. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “2” of the Complaint and respectfully refers all questions of law to the Court.

3. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “3” of the Complaint and respectfully refers all questions of law to the Court.

JURISDICTION AND VENUE

4. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “4” of the Complaint and respectfully refers all questions of law to the Court.

5. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “5” of the Complaint and respectfully refers all questions of law to the Court.

BACKGROUND

6. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “6” of the Complaint.

7. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “7” of the Complaint.

8. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “8” of the Complaint.

9. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “9” of the Complaint.

10. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “10” of the Complaint.

11. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “11” of the Complaint.

12. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “12” of the Complaint.

13. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “13” of the Complaint.

14. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “14” of the Complaint.

15. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “15” of the Complaint.

16. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “16” of the Complaint.

17. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “17” of the Complaint.

18. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “18” of the Complaint.

19. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “19” of the Complaint.

20. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “20” of the Complaint.

21. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “21” of the Complaint.

22. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “22” of the Complaint.

23. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “23” of the Complaint.

24. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “24” of the Complaint.

25. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “25” of the Complaint.

26. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “26” of the Complaint.

27. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “27” of the Complaint.

28. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “28” of the Complaint.

29. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “29” of the Complaint.

30. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “30” of the Complaint.

31. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “31” of the Complaint.

32. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “32” of the Complaint.

33. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “33” of the Complaint.

34. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “34” of the Complaint.

35. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “35” of the Complaint.

36. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “36” of the Complaint.

37. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “37” of the Complaint.

38. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “38” of the Complaint.

39. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “39” of the Complaint.

40. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “40” of the Complaint.

41. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “41” of the Complaint.

42. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “42” of the Complaint.

43. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “43” of the Complaint.

44. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “44” of the Complaint.

45. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “45” of the Complaint, except admits that this Paragraph of the Complaint refers to a complaint filed in the Yamba Action and respectfully refers the Court to same for its contents. Intervening Defendant admits that Yamba’s suit was filed against Elk 30 Christopher and that Intervening Defendant issued an insurance policy relevant to the Yamba action to Elk 30 Christopher.

46. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “46” of the Complaint, except admits that this Paragraph of the Complaint refers to a complaint filed in the Yamba Action and respectfully refers the Court to same for its contents.

47. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “47” of the Complaint, except admits that this Paragraph of the Complaint refers to a third-party complaint filed by Elk 30 Christopher in the Yamba Action and respectfully refers the Court to same for its contents.

48. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “48” of the Complaint, except admits that Golden Insurance is providing both PCF and Elk 30 Christopher a defense in the Yamba action.

49. Intervening Defendant admits that Plaintiff is sharing in the defense Elk 30 Christopher with Intervening Defendant on a 50-50% basis, and denies having knowledge or information sufficient to form a belief as to the truth or falsity of the remainder of the allegations contained in Paragraph “49” of the Complaint.

50. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “50” of the Complaint.

COUNT I

51. Intervening Defendant repeats and realleges its responses to Paragraphs “1” through “50” of the Complaint as if fully set forth herein.

52. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “52” of the Complaint, and respectfully refers all questions of law to the Court.

53. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “53” of the Complaint, and respectfully refers all questions of law to the Court.

54. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “54” of the Complaint, and respectfully refers all questions of law to the Court.

- a. Intervening Defendant denies having knowledge of information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “54(a)” of the Complaint.
- b. Intervening Defendant denies having knowledge of information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “54(b)” of the Complaint.
- c. Intervening Defendant denies having knowledge of information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “54(c)” of the Complaint.
- d. Intervening Defendant denies having knowledge of information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “54(d)” of the Complaint.
- e. Intervening Defendant denies having knowledge of information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “54(e)” of the Complaint.

55. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “51”¹ of the Complaint and respectfully refers all questions of law to the Court.

¹ Intervening Defendant recognizes that Plaintiff has mis-numbered its paragraphs and will continue to refer to Plaintiff’s actual numbered paragraphs throughout this Answer.

56. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “52” of the Complaint and respectfully refers all questions of law to the Court.

COUNT II

57. Intervening Defendant repeats and realleges its responses to Paragraphs “1” through “51” of the Complaint as if fully set forth herein.

58. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “54” of the Complaint.

59. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “55” of the Complaint.

60. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “56” of the Complaint.

61. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “57” of the Complaint.

62. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “58” of the Complaint and respectfully refers all questions of law to the Court.

63. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “59” of the Complaint and respectfully refers all questions of law to the Court.

64. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “60” of the Complaint and respectfully refers all questions of law to the Court.

65. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “61” of the Complaint.

66. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “62” of the Complaint.

67. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “63” of the Complaint.

68. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “64” of the Complaint.

69. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “65” of the Complaint.

70. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “66” of the Complaint.

71. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “67” of the Complaint.

72. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “68” of the Complaint.

73. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “69” of the Complaint.

74. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “70” of the Complaint.

75. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “71” of the Complaint.

76. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “72” of the Complaint.

77. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “73” of the Complaint.

COUNT III

78. Intervening Defendant repeats and realleges its responses to Paragraphs “1” through “73” of the Complaint as if fully set forth herein.

79. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “73” of the Complaint.

80. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “74” of the Complaint.

81. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “75” of the Complaint.

82. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “76” of the Complaint.

83. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “77” of the Complaint.

84. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “78” of the Complaint.

85. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “79” of the Complaint.

COUNT IV

86. Intervening Defendant repeats and realleges its responses to Paragraphs “1” through “80” of the Complaint as if fully set forth herein.

87. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “81” of the Complaint.

88. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “82” of the Complaint.

89. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “83” of the Complaint.

90. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “84” of the Complaint.

91. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “85” of the Complaint.

COUNT V

92. Intervening Defendant repeats and realleges its responses to Paragraphs “1” through “86” of the Complaint as if fully set forth herein.

93. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “87” of the Complaint.

94. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “88” of the Complaint.

95. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “83” of the Complaint.

96. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “89” of the Complaint.

97. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “90” of the Complaint.

98. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “91” of the Complaint.

99. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “92” of the Complaint.

100. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “93” of the Complaint.

COUNT VI

101. Intervening Defendant repeats and realleges its responses to Paragraphs “1” through “94” of the Complaint as if fully set forth herein.

102. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “95” of the Complaint.

103. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “96” of the Complaint.

104. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “97” of the Complaint.

105. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “98” of the Complaint.

106. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “99” of the Complaint.

107. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “100” of the Complaint.

108. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “101” of the Complaint.

109. Intervening Defendant denies having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph “102” of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

110. Plaintiff’s disclaimer is improper and not in compliance with Insurance Law § 3420(d)(2).

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

111. Plaintiff’s complaint should be dismissed pursuant to the doctrines of waiver and estoppel.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

112. Plaintiff’s claims are barred by the equitable doctrines of laches, waiver, ratification, estoppel and/or unclean hands.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

113. To the extent applicable, Plaintiff’s claims are barred by the doctrines of collateral estoppel and/or res judicata.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

114. Plaintiff’s Amended Complaint fails to state a cause of action for which relief may be granted.

AS AND FOR AN SIXTH AFFIRMATIVE DEFENSE

115. Intervening Defendant reserves the right to assert additional defenses available under the Policy language and applicable law, whether or not cited herein. Neither this answer nor any other communication by Intervening Defendant shall operate as a waiver or modification of any terms, conditions, limitations, exclusions, monetary limits, deductibles, retentions, or other provisions of the Policy

COUNTERCLAIM BY INTERVENING DEFENDANT
AGAINST PLAINTIFF GOLDEN INSURANCE COMPANY

Intervening Defendant on its own behalf and/or as the insurer of Elk 30 Christopher (“Elk 30”) and/or on behalf of Elk 30, alleges upon information and belief as and for its counterclaim against Plaintiff Golden Insurance Company (“Golden”):

116. Upon information and belief, Elk 30 entered into a contract with PCF State Restoration, Inc. (“PCF”), wherein PCF agreed to provide certain labor, work and services in connection with a construction project at the premises located at 30 Christopher Street, New York, NY.

117. On or about July 28, 2014, Angel Yamba (“Yamba”) commenced an action entitled *Angel Yamba v. Elk 30 Christopher Street Property, et al.* (the “*Yamba Action*”) in the Supreme Court of New York, Bronx County for injuries that Yamba sustained as a result of a fall from a scaffold during construction activities while working for PCF at the 30 Christopher Street site.

118. Pursuant to the terms of the contract between Elk 30 and PCF, PCF agreed to obtain general liability insurance, which policy of insurance was required to include Elk 30 as an additional insured.

119. Upon information and belief, PCF complied with its obligation under the Contract to obtain insurance for its own and Elk 30s benefit, in part, by obtaining a liability insurance policy, Policy No. GIC1300683, from Golden. The aforementioned policy affords coverage to Elk 30 as an additional insured entitled to all rights of a named insured.

120. Pursuant to the terms of Golden’s Policy No. GIC1300683, issued to PCF, Elk 30 notified Golden that it was seeking coverage as an additional insured under the policy in relation to the *Yamba Action*.

121. On or about July 13, 2016, Golden agreed to share in the defense of Elk 30 with Intervening Defendant on a 50-50% basis, however, declined to indemnify Elk 30 on the purported basis that indemnification was provided only with respect to liability arising out of PCF's work.

122. After further developments in the *Yamba Action*, Elk 30, through correspondence dated May 24, 2017, requested complete indemnification from Golden, because discovery in the underlying litigation clearly demonstrated that PCF was negligent and responsible for Mr. Yamba's injuries.

123. On or about June 30, 2017, Golden sent correspondence in response to Elk 30's request for indemnity coverage, rejecting Elk 30's request for indemnification under Golden's policy. Golden then initiated the instant litigation, seeking to avoid its obligation to defend and indemnify PCF and, by extension, Elk 30.

124. Upon information and belief, PCF did not engage in any material misrepresentations when acquiring the Golden policy, did not commit fraud, and otherwise did not engage in behavior which would serve as a basis to void the Golden policy.

125. Upon information and belief, Golden did not rely on any misrepresentations or fraud in issuing the Golden policy to PCF.

126. Upon information and belief, Golden's causes of action in the instant litigation regarding misrepresentation and/or fraud in the procurement of the Golden policy, are baseless.

127. Golden's disclaimer is improper, unjustified and not in compliance with Insurance Law § 3420(d)(2).

128. Intervening Defendant seeks a declaration that the Golden Policy affords coverage to Elk 30 as an additional insured on a primary, non-contributory basis.

129. Pursuant to Golden's Policy No. GIC1300683, Golden owes a duty to defend and indemnify Elk 30 as an additional insured in the underlying *Yamba Action*.

PRAYER FOR RELIEF

WHEREFORE, Intervening Defendant prays that judgment may be entered in this action:

- a) Declaring that Golden Policy No. GIC1300683 is a valid policy affording coverage to Elk 30 as an additional insured with all rights of a named insured;
- b) Dismissing the Complaint with prejudice;
- c) Entering judgment in favor of Intervening Defendant and against Plaintiff;
- d) Awarding Intervening Defendant its costs, disbursements and reasonable attorneys' fees; and
- e) Any other relief as this Court deems just.

Dated: New York, New York
May 25, 2018

COZEN O'CONNOR

/s/ Rachel H. Bevens
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Adam I. Stein, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2018, a true and correct copy of Intervening Defendant Federal Insurance Company's ANSWER WITH COUNTERCLAIMS was served on the following counsel via the Court's CM/ECF system.

WEBER GALLAGHER SIMPSON
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Defendant The Robert C. Mangi
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A courtesy copy was also mailed to the above addresses via regular mail.

Respectfully Submitted,

/s/ Rachel H. Bevens
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